



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT L. MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

April 30, 2014

Wilmington Regulatory Field Office
US Army Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403

ATTN: Ms. Liz Hair
NCDOT Coordinator

Dear Madam:

Subject: **Request for Modification to Individual Section 404 and Section 401 Water Quality Certification** for Fayetteville Outer Loop from I-95 South of Fayetteville to NC 24-87, Cumberland, Hoke, and Robeson Counties. Federal Aid Project No. NHF-DPR-0100(001), State Project No. 8.2441301, TIP Nos X-0002 B & C, and U-2519 AA, AB, BA, BB, CA, CB, DA, & E, Debit \$570 from WBS 35196.3.19

References: Section 404 and 401 Individual Permit Application requested April 25, 2008
Section 404 Individual Permit issued October 23, 2008 (SAW-2008-01413)
Section 401 Water Quality Certification issued October 6, 2008 (003278)
Section 404 and 401 Modification requested May 21, 2010
Section 401 Modification issued June 3, 2010 (20080737 v.2)
Section 404 and 401 Modification requested October 7, 2010
Section 401 Modification issued December 16, 2010 (20080737 v.3)
Section 404 Modification issued December 21, 2010 (SAW-2008-01413)

The purpose of this modification request is to provide final design for U-2519 CB and a portion of DA. As you are aware, X-0002 B & C, and U-2519 DA & E are currently under construction. Additionally, we are providing updated preliminary impacts for sections AA, AB, BA, BB, and CA, which remain post year. Please see the enclosed revised permit drawings, roadway plans, utility plans, and a revised Privateer Wetland and Stream Mitigation Site Debit Ledger for section U-2519 CB. This modification request is relevant to section U-2519 CB, as well as, a portion of section U-2519 DA. U-2519 CB had preliminary design when the original permit was requested in 2008. Proposed wetland impacts have increased from the preliminary design of 5.50 acres to 5.88 acres (4.37 riparian, 1.51 non-riparian). Conversely, stream impacts have decreased from the preliminary design of 1,391 feet to 739 feet along with 40 feet of bank stabilization.

MAILING ADDRESS:
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LOCATION:
CENTURY CENTER, BUILDING B
1020 BIRCH RIDGE DRIVE
RALEIGH NC 27610

Surveys for all federally-protected species listed for Cumberland County were conducted in 2013. A biological conclusion of “no effect” remains current for all species except the red-cockaded woodpecker (RCW). A reevaluation was conducted for the proposed impacts to RCW. The conclusions specified in the *Red-cockaded woodpecker Biological Assessment for the Fayetteville Outer Loop, Cumberland, Hoke and Robeson Counties, North Carolina*, dated September 7, 2004 and the subsequent USFWS Biological Opinion, dated April 28, 2005 remain valid.

Table 1. U-2519 CB Wetland Impacts and Descriptions

Permit Site No.	FEIS Site ID	Riverine or Non-Riverine	Permanent (ac.)	Temporary (ac.)	Mitigation Required
1	B	Riverine	0.00	0.00	N/A
2	B	Riverine	0.00	0.00	N/A
3	B	Riverine	0.37	0.00	Yes
4	B	Riverine	0.18	0.00	Yes
5	C	Riverine	0.69	0.00	Yes
6	C	Riverine	0.13	0.00	Yes
7	C	Riverine	0.08	0.00	Yes
8	C	Riverine	0.67	0.00	Yes
9	C	Riverine	0.31	0.00	Yes
10	C	Riverine	1.94	0.00	Yes
12	C2	Non-Riverine	0.01	0.00	Yes
13	U	Non-Riverine	0.27	0.00	Yes
15	S	Non-Riverine	0.50	0.00	Yes
16	T	Non-Riverine	0.20	0.00	Yes
18 [†]	N	Non-Riverine	0.53	0.00	Yes
Total			5.88	0.0	

[†]Site 18 was originally included with the U-2519 DA section as “future”; however, hydraulic design was not complete.

Please note, sites 19 and 20 on the Wetland Permit Impact Summary table show the addition of work bridges associated with bridges permitted under the U-2519 DA section.

Table 2. U-2519 CB Stream Impacts and Descriptions

Permit Site No.	FEIS Site ID	Permanent (ft)	Permanent (ac.)	Temporary (ft)	Temporary (ac.)	Type of Stream	Mitigation Required
1	2UTB	0	0.00	5	0.01	Perennial	N/A
2	2UTB	69	0.01	19	0.01	Perennial	Yes
2*	2UTB	10	0.00	0	0.00	Perennial	No
13	U	80	0.01	0	0.00	Perennial	Yes
13*	U	10	0.00	0	0.00	Perennial	No
14	V	25	0.01	10	0.01	Perennial	Yes
14*	V	10	0.00	0	0.00	Perennial	No
15	S/UTS	444	0.06	40	0.01	Perennial	Yes
18 [†]	N	121	0.02	35	0.01	Perennial	Yes
18*	N	10	0.00	0	0.00	Perennial	No
Total		779	0.11	109	0.05		

*Denotes bank stabilization; when necessary, mitigation required by the USACE exceeds the amount required by NCDWR

[†]Site 18 was originally include with the U-2519 DA section as “future”; however, hydraulic design was not complete.

Compensatory mitigation for the additional 0.38 acre of wetland impacts were debited from the Privateer Wetland and Stream Mitigation Site. This brings total project wetland impacts to 51.28 acres (33.76 riparian, 17.52 non-riparian). The reduction in 612 feet of stream impacts will be credited back to the the Privateer Wetland and Stream Mitigation Site, bringing and total project stream impacts to 13,030 feet.

Utility relocations will result in < 0.01 acre of wetland impacts from excavation and <0.01 acre from temporary fill for underground power-line installation and and 0.01 acre of hand clearing in wetlands.

Regulatory Approvals

The let date for this project is August 19, 2014 however the review date is May 27, 2014. As the review date for the project is quickly approaching, we respectfully request expedited issuance of the permit modification in an effort keep the project letting on schedule.

Section 404: We are hereby requesting the modifications described above and an expiration date of December 31, 2019 for the USACE Individual 404 Permit signed October 23, 2008 (SAW-2008-01413), for the above-described activities.

Section 401: We are hereby requesting a modification to the 401 Water Quality Certification from the NCDWQ issued October 6, 2008 (DWQ No. 003278). In compliance with Section 143-215.3D(e) of the NCAC, we will provide \$570.00 to act as payment for processing the Section 401 permit modification.

A copy of this modification request and its distribution list will be posted on the NCDOT website at: <https://connect.ncdot.gov/resources/Environmental>

Thank you for your assistance with this project. If you have any questions or need additional information, please contact Tyler Stanton at 919-707-6156 or tstanton@ncdot.gov.

Sincerely,

Richard W. Hancock, P.E., Manager
Project Development and Environmental Analysis Unit

cc:

NCDOT Permit Application Standard Distribution List.